

Appln. No. 09/987,685  
Amd. dated October 28, 2004  
Reply to Office Action of July 2, 2004

**REMARKS**

The Examiner's action dated July 2, 2004, has been received, and its contents carefully noted.

Claims 1-6 and 34-43 have been canceled.

Claim 7 has been amended to place it in independent form by incorporation therein of all of the subject matter of the independent claim from which claim 7 previously depended. Claims 7-33 and 44-46 are pending.

In response to the objection to the drawing, submitted herewith is a replacement sheet of Figure 3 to which has been added an indication of spectrometer 30. However, it must be pointed out that spectrometer 30 has already been illustrated in Figure 1 of the Application drawing. The spectrometer 30 is the "spectral analytical instrument", and this is now specifically stated in each of independent claims 7, 45 and 46.

Accordingly, it is requested that the replacement Figure be accepted and that the objection to the drawing be withdrawn.

With regard to the claim objection presented in section 4 of the Action, claim 3 has been canceled.

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The indication of substantive allowability of claims 7 and 8 is noted with appreciation. In view of this indication, claims 3, 5 and 6 have been canceled and claim 7 has been placed in independent form by incorporation therein of all of the subject matter of independent claim 6.

Since it is noted that claim 7, which is the broadest claim that the Examiner considered to be allowable, only specified that the instrument is a spectrometer, each of independent claims 45 and 46 has been amended to also specify that the processing unit comprises a spectral analytical instrument in the form of a spectrometer. In view of the indication of allowability of claim 7, it is submitted that each of amended claims 45 and 46 now also defines patentably over the applied references.

Accordingly, it is requested that all of the objections and rejections presented in the last Office Action be reconsidered and withdrawn, that the pending claims be allowed and that the Application be found in allowable condition.

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If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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**Amendments to the Drawings**

The attached sheet of drawings includes changes to Figure 3. This sheet replaces the original sheet including Figure 3. Figure 3 has been revised to include identification of spectrometer 30, which is also included in the original version of Figure 1. The replacement sheet is presented in response to the objection to the drawings presented in section 3 on page 2 of the Action.